

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS15038-LL-157 (3/7)

Short Title: Restraining of Dogs.

(Public)

Sponsors: Senator Cowell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF
DOGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-362.3 reads as rewritten:

"§ 14-362.3. Restraining dogs in a cruel manner.

(a) A person who ~~maliciously~~ knowingly restrains a dog using a chain or wire ~~grossly in excess of the size necessary to restrain the dog safely or other type of tethering device in violation of this section~~ is guilty of a Class 1 misdemeanor. ~~For purposes of this section, "maliciously" means the person imposed the restraint intentionally and with malice or bad motive.~~

(b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, dog house, or other stationary object for more than three hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least 15 feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects other than the stationary objects to which the device is attached.

(c) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system, that allows movement of the restraining device, for more than six hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, the length of the cable along which the tethering device can move must be at least 10 feet, and the tethering device must be of such length that the dog is able to move 10 feet away from the cable perpendicularly.

(d) No person shall attach a chain or wire or other tethering device to, or cause such attachment to, a choke-type or pronged collar on a dog.

1 (e) No person shall attach a chain or wire or other tethering device to a dog in
2 such manner that does not allow the dog access to water and shelter.

3 (f) Notwithstanding the provisions of subsections (b) and (c) of this section, a
4 person may, subject to the provisions of subsections (d) and (e) of this section:

5 (1) Tether and restrain a dog while actively engaged in:

6 a. Use of the dog in shepherding or herding livestock, or

7 b. Use of the dog in the business of cultivating agricultural
8 products, if the restraining is reasonably necessary for the safety
9 of the dog, or

10 c. Use of the dog in lawful hunting activities if the restraint is
11 reasonably necessary for the safety of the dog.

12 (2) After taking possession of a dog that appears to be a stray dog and
13 after having advised animal control authorities of the capture of the
14 dog, tether and restrain the dog during such time as the person having
15 taken possession of the dog is seeking the identity of the owner of the
16 dog.

17 (3) Walk a dog with a handheld leash.

18 (g) A county, city, or town may by ordinance:

19 (1) Reduce the time of permissible tethering provided in subsections (b)
20 and (c) of this section, including a prohibition on tethering.

21 (2) Increase the permitted time for tethering on a rope or chain provided in
22 subsection (b) from three to as many as nine hours.

23 (3) Increase the permitted time for tethering on a pulley system provided
24 in subsection (c) from six to as many as twelve hours in any 24-hour
25 period.

26 (h) Restraining a dog in a manner prohibited by this section constitutes cruelty as
27 defined in G.S. 19A-1(2)."

28 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
29 acts committed on or after that date.